

**DEPARTMENT TRAFFIC COORDINATOR
TRANSIT SERVICES BUREAU**

NOTICE

January 21, 2025

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TO: All Department Personnel

FROM: Department Traffic Coordinator, Transit Services Bureau

SUBJECT: LEGISLATIVE REVISIONS TO STREET RACING LAWS

PURPOSE

The purpose of this Notice is to advise Department personnel that three new laws have taken effect as of 2024; and an additional law set to take effect in 2025. This Notice provides information regarding definitions, enforcement, and impound procedures related to takeovers and street racing.

BACKGROUND

On September 23, 2024, Governor Gavin Newsom signed four California Assembly Bills (AB) 1978, 2186, 2807, and 3085 into law, enhancing law enforcement's ability to protect the public by enforcing measures to address street takeovers and sideshows.

PROCEDURES

California Assembly Bill 1978 (Impounds of Spectator Vehicles and Physical Booking of Violators):

This bill amends Section 22651 (h)(1) and adds Section 23109.3 to the California Vehicle Code (CVC), effective immediately. This creates a new impound authority for a peace officer to impound any vehicle for violations of aiding or abetting a motor vehicle speed contest, exhibition of speed, obstructing or placing a barricade or assisting or participating in placing a barricade or obstruction upon a highway or in an offstreet parking facility, per CVC Section 23109 (d). In order for an officer to impound a vehicle under this new section, the driver/violator must be cited or booked for the related offense.

The following are excerpts, in part, from the CVC sections:

- **23109.3 CVC.** If a peace officer arrests a person for any of the following violations and causes the removal and seizure of the vehicle used to commit those violations pursuant to paragraph (1) of subdivision (h) of Section 22651, the peace officer shall not be required to take the person into custody:

The below subsections of 23109 CVC are citable and do not require a physical booking:

23109 (b) CVC. A person shall not aid or abet in any motor vehicle speed contest on a highway or in an offstreet parking facility.

23109 (c) CVC. A person shall not engage in a motor vehicle exhibition of speed on a highway or in an offstreet parking facility, and a person shall not aid or abet in a motor vehicle exhibition of speed on any highway or in an offstreet parking facility.

23109 (d) CVC. A person shall not, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or exhibition upon a highway or in an offstreet parking facility, in any manner obstruct or place a barricade or obstruction or assist or participate in placing a barricade or obstruction upon a highway or in an offstreet parking facility.

The below subsection of 23109 CVC is not citable and requires a physical booking:

23109 (a) CVC. A person shall not engage in a motor vehicle speed contest on a highway or in an offstreet parking facility. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device. For purposes of this section, an event in which the time to cover a prescribed route of more than 20 miles is measured, but in which the vehicle does not exceed the speed limits, is not a speed contest.

California Assembly Bill 2186 (Impounds for Exhibition of Speed, Offstreet Parking Facility):

Existing law under CVC Section 23109.2 (a)(1) allows a peace officer the option to arrest a person and seize the motor vehicle of the person if a peace officer determines that the person was engaged in a motor vehicle speed contest, reckless driving, or an exhibition of speed on a highway. Existing law allows a vehicle seized under this provision to be impounded for up to 30 days.

This impound authority does not apply to any vehicle used in aiding or abetting, and, it only applies to the vehicle engaged in the act of speed contest, exhibition of speed, or reckless driving.

Effective immediately, this bill expands this impound provision to include an exhibition of speed that occurs in an offstreet parking facility, as it previously did not.

The following is an excerpt, in part, from the CVC section:

- **23109.2 (a) (1) CVC.** Whenever a peace officer determines that a person was engaged in an activity set forth in paragraph (2), the peace officer may immediately arrest and take into custody that person and may cause the removal and seizure of the motor vehicle used in that offense pursuant to Chapter 10 (commencing with Section 22650). A motor vehicle that is seized may be impounded for not more than 30 days.
(2) (A) A motor vehicle speed contest, as described in subdivision (a) of Section 23109.
(B) Reckless driving on a highway, as described in subdivision (a) of Section 23103.
(C) Reckless driving in an offstreet parking facility, as described in subdivision (b) of Section 23103.
(D) (i) Exhibition of speed on a highway or in an offstreet parking facility, as described in subdivision (c) of Section 23109.
(ii) This subparagraph does not apply to aiding or abetting an exhibition of speed on any highway or in an offstreet parking facility.

California Assembly Bill 2807 (Takeovers):

Effective July 1, 2025, this AB will amend CVC Section 23109.

Commencing **July 1, 2025**, the law will authorize the court to order the privilege to operate a motor vehicle suspended for 90 days to 6 months and restrict the person's operation of a motor vehicle for a violation of subdivision (c), as provided in subparagraph (B) of paragraph (8) of subdivision (a) of CVC Section 13352, only if the violation occurred as part of a sideshow.

California Vehicle Code Section 13352 (a)(8)(B) states the following:

Commencing July 1, 2025, upon a finding of a violation of subdivision (c) of Section 23109 for engaging in a motor vehicle exhibition of speed, as described in paragraph (2) of subdivision (i) of Section 23109, the privilege shall be suspended for a period of 90 days to six months, if ordered by the court. The privilege shall not be reinstated until the person gives proof of financial responsibility, as defined in Section 16430.

This bill will define a takeover as a sideshow which pulls takeovers under the 23109 CVC umbrella.

The following is an excerpt, in part, from the CVC section:

- **23109 (i)(2)(A)(ii) CVC.** For purposes of this section, “sideshow” is defined as an event in which two or more persons block or impede traffic on a highway or in an offstreet parking facility for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators. A sideshow is also known as a street takeover.

Note: Department personnel shall continue to utilize Section 23109 (c) for takeover/sideshow enforcement as this amendment only applies to administrative definitions and court authorities.

California Vehicle Code Section 23109 (c) currently states the following: A person shall not engage in a motor vehicle exhibition of speed on a highway or in an offstreet parking facility, and a person shall not aid or abet in a motor vehicle exhibition of speed on a highway or in an offstreet parking facility.

California Assembly Bill 3085 (Judicial Seizures):

This bill amends CVC Section 14602.7, which **adds** CVC Sections **23109 (a)**, motor vehicle speed contest on a highway or in an offstreet parking facility; and **23109 (c)**, motor vehicle exhibition of speed on a highway or in an offstreet parking facility, and a person shall not aid or abet in a motor vehicle exhibition of speed on any highway or in an offstreet parking facility; as violations allowing for a judicial seizure of a vehicle used in violation of these sections, effective immediately. The bill also allows for the digital electronic service of an impound notice and impound hearing within 48 hours under CVC Section 14602.7 in addition to previous means.

The following are excerpts, in part, from the CVC sections:

- **14602.7 (a) (1) CVC.** A magistrate presented with the affidavit of a peace officer establishing reasonable cause to believe that a vehicle, described by vehicle type and license number or vehicle identification number, was an instrumentality used in the peace officer’s presence in violation of CVC Sections 2800.1, misdemeanor evading; 2800.2, felony evading; 2800.3, felony evading causing serious injury; or 23103, or subdivision (a) or (c) of Section 23109, shall issue a warrant or court order authorizing any peace officer to immediately seize and cause the removal of the vehicle. The warrant or court order may be entered into a computerized database. The vehicle may be impounded for a period not to exceed 30 days.

- **14602.7 (a) (2) CVC.** The impounding agency, within two working days of impoundment, **excluding weekends and holidays**, shall send a notice by certified mail, return receipt requested, or electronic service as provided for under Section 690.5 of the Penal Code, to the legal owner of the vehicle, at the address obtained from the department, informing the owner that the vehicle has been impounded and providing the owner with a copy of the warrant or court order. Failure to notify the legal owner within two working days shall prohibit the impounding agency from charging for more than 15 days impoundment when a legal owner redeems the impounded vehicle. The law enforcement agency shall be open to issue a release to the registered owner or legal owner, or the agent of either, whenever the agency is open to serve the public for regular, non-emergency business.

- **14602.7 (c) (2) CVC.** A notice of the storage hearing shall be sent by certified mail, return receipt requested, or by electronic service pursuant to Section 690.5 of the Penal Code, to the registered and legal owner of the vehicle within 48 hours of impoundment, excluding weekends and holidays, by the person or agency executing the warrant or court order, and shall include all of the following information:
 - (A) The name, address, and telephone number of the agency providing the notice.
 - (B) The location of the place of storage and a description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage of the vehicle.
 - (C) A copy of the warrant or court order and the peace officer's affidavit, as described in subdivision (a).
 - (D) A statement that, in order to receive their post storage hearing, the owners, or their agents, are required to request the hearing from the magistrate issuing the warrant or court order within 10 days of the date of the notice and serve notice of the hearing on the person or agency who executed the warrant or court order.

If you have any questions regarding this Notice, contact Traffic Group, at (213) 486-0690.

APPROVED:



DONALD R. GRAHAM, Jr., Deputy Chief
Department Traffic Coordinator
Transit Services Bureau



T. SCOTT HARRELSON, Deputy Chief
Chief of Staff
Office of the Chief of Police

DISTRIBUTION "D"